

Fiscal Services Division

Legislative Services Agency

Fiscal Note

HF 2494 - Corrections Omnibus (LSB 5327 HV)

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Fiscal Note Version - New

Description

House File 2494 relates to sexual misconduct with offenders committed to the Department of Corrections (DOC) or a Community-Based Corrections (CBC) District Department. Under current law, if an officer, employee, contractor, vendor, volunteer, or agent of the DOC or CBC District Departments commits a sex act with an offender under the supervision of the corrections system, the penalty is an aggravated misdemeanor. House File 2494 raises the penalty to a Class D felony. The Bill also increases the enrollment fee from \$250 to \$300. The Bill makes other statutory changes that have no correctional or fiscal impact.

Background

1. On average, there are six offenders annually convicted of the current aggravated misdemeanor offense. Of these six offenders, one is sentenced to prison. The other five offenders receive some other sentence, such as probation. The offender sentenced to prison will serve on average 10 months before being approved for parole.
2. Increasing the penalty to a Class D felony increases the length of stay in prison from 10 months to 21 months, for an increase of 110.0% in the average length of stay in prison.
3. The CBC District Departments were charging offenders fees for specialized services, such as sex offender treatment. The fees were used to offset program expenses. The State Auditor questioned the legality of fees for services. The DOC and CBC District Departments propose eliminating fees for specialized services and increasing the amount of the enrollment fee.
4. Currently, approximately 38.3% of offenders under CBC supervision pay the enrollment fee in full while 61.7% made partial payment using a payment plan. Funds generated by the enrollment fee remain in each CBC District Department's operating budget.

Assumptions

1. The law will become effective July 1, 2006. A lag effect of six months is assumed for the correctional impact, from the law's effective date to the date of first entry of affected offenders into the correctional system.
2. Assuming current policies and practices remain stable, enhancing the penalty to a Class D felony will increase the incarceration rate by 50.0%.
3. Current collection rates are used to calculate the amount of funds generated by the increase in the enrollment fee.

Correctional Impact

Two additional offenders will be sentenced to prison annually under HF 2494. There will not be a significant correctional impact due to the low number of convictions and prison admissions. However, HF 2494 will increase the prison population because of the significant increase in the average length of stay in prison.

Fiscal Impact

The additional cost to the State for enhancing the penalty to a Class D felony is approximately \$26,000. The additional costs are primarily due to the increase in the number of offenders sentenced to prison plus the increase in the average length of stay in prison.

The \$50 increase in the enrollment fee is estimated to generate an additional \$548,000 annually. This amount is offset by the elimination of fees for specialized services.

Sources

Department of Corrections
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Office of the State Public Defender
Judicial Branch

/s/ Holly M. Lyons

March 1, 2006

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
